

SECOND REGULAR SESSION

HOUSE BILL NO. 2115

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KOLLER, HANAWAY AND KREIDER (Co-sponsors).

Read 1st time March 6, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4978L.02I

AN ACT

To amend chapter 226, RSMo, by adding thereto one new section relating to authorization of the position of inspector general.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 226, RSMo, is amended by adding thereto one new section, to be
2 known as section 226.094, to read as follows:

**226.094. 1. The director of the department of transportation shall appoint an
2 inspector general. The inspector general shall report to and be under the general
3 supervision of the director with periodic reports to the state highways and transportation
4 commission. However, the commission may request the inspector general to perform
5 specific investigations, reviews or other studies for the commission, in which instance the
6 inspector general shall report the findings and recommendations directly to the
7 commission. The inspector general shall file an annual report with the joint committee on
8 transportation oversight.**

**9 2. The inspector general shall promote economy, efficiency, effectiveness, and
10 public integrity in the administration of the programs and operations of the department;
11 to detect and prevent fraud, waste, and abuse in department programs and operations; to
12 conduct and supervise investigations and reviews relating to department programs and
13 operations; to provide independent and objective assistance to help assure the department
14 is operated in compliance with the constitutions and laws of the United States and the state
15 of Missouri; to keep the commission, the director, and the director's staff fully and
16 currently informed about any problems or deficiencies relating to the administration of
17 department programs and operations and the necessity for and progress of any corrective
18 actions taken; and to perform other duties as the inspector general may be assigned by the**

19 **director.**

20 **3. To accomplish the duties of the inspector general, the inspector general may:**

21 **(1) Request the issuance of a subpoena or a subpoena duces tecum in connection**
22 **with any investigation and as deemed necessary by the inspector general. The commission,**
23 **or any individual member thereof, shall have the authority to issue such subpoenas and**
24 **subpoenas duces tecum upon the request of, and after being provided information**
25 **supporting the grounds for such issuance by, the inspector general. No commission**
26 **member shall be summoned, deposed, subpoenaed, or otherwise compelled to testify or**
27 **justify regarding the basis for, or the information provided regarding, the issuance of a**
28 **subpoena or subpoena duces tecum pursuant to this section. Subpoenas and subpoena**
29 **duces tecum shall extend to all parts of the state and shall be served and returned as in civil**
30 **actions in the circuit court. In cases of refusal to obey a subpoena or subpoena duces**
31 **tecum issued by the commission, the circuit court of Cole County, or of any county where**
32 **the person or entity refusing to obey such subpoena or subpoena duces tecum may be**
33 **found, on application by the inspector general, shall have the power and jurisdiction to**
34 **issue an order requiring such person or entity to appear before the inspector general or**
35 **produce the documents requested, and any failure to obey such order shall be punished by**
36 **the court as a contempt thereof;**

37 **(2) Administer to or take from any person an oath, affirmation, or affidavit, which**
38 **oath, affirmation, or affidavit, when administered or taken by or before an authorized**
39 **employee of the inspector general, shall have the same force and effect as if administered**
40 **or taken by or before an officer having a seal.**

41 **4. Notwithstanding any provision of law to the contrary, any record or document**
42 **or thing including but not limited to any summary, writing, complaint, data of any kind,**
43 **tape or video recordings, electronic transmissions, e-mail, other paper or electronic**
44 **documents, records, reports, digital recordings, photographs, software programs and**
45 **software, expense accounts, phone logs, diaries, travel logs, or other things, including**
46 **originals or copies of any of the above, contained in the inspector general's files or**
47 **department databases regarding a complaint, a review or an investigation by the inspector**
48 **general relating to department programs, operations or employees, or a summary or**
49 **description of the nature or subjects of such complaint, review, or investigation, or any**
50 **complaint, review, or investigative report containing confidential recommendations**
51 **regarding the subject of potential future reviews, investigations, prosecutions, or**
52 **litigations, shall be considered closed records. In the event an investigation or review by**
53 **the inspector general is being administered concurrently with a separate civil or criminal**
54 **investigation by another federal, state or local agency or entity, this closed record**

55 protection will continue even if these closed documents are deemed necessary by the
56 inspector general to be delivered outside of the office of the inspector general in order to
57 accomplish the duties of the inspector general or when these closed documents are
58 provided to the director or the commission for their information or review.